



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-401

Subject: Constitutional Law-II

B.A./B.B.A. LL.B. 4th Semester29th September, 2020

Time: 2hrs. 30minutes (Writing Examination- 10:30 am-12:30 pm; Scanning & Uploading Answer-sheets–
12:30 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) Cricket Association of Manipur is a registered society under the Societies Registration Act, 1860. Board of Control for Cricket in India is the Principal body to look after and regulate the cricket activities in India. In a decision the BCCI, decides to relegate the status of Manipur. Mr. Irudaya is head of Manipur cricket Board. Aggrieved by the decision of BCCI, Mr. Irudaya challenges the decision of BCCI as violative of Article 14 by filing a petition before the Supreme Court. The petition is opposed as not maintainable as BCCI is not a State under Article 12 of the Constitution. Decide in light of decided cases.

(B) State of Haryana Promulgated an Ordinance, prohibiting sacrificing of animals on the pretext of religious ceremonies. Mr. X belongs to Muslim community and is a firm believer in animal sacrifice on the eve of Eid. Mr. Y is Bengali and firmly believes in Deity Kali and for religious prayers to Goddess Kali, he has deep faith in sacrificing goat on certain occasions annually. Both, Mr. X and Mr. Y challenges the Constitutional validity of the Ordinance as violative of Article 25 and 21 of the Constitution. Decide with the help of Constitutional provisions and landmark cases.

(C) Explain doctrine of Eclipse. What will be the effect, if the doctrine is made applicable to post Constitutional Laws? Decide in light of Sri Ambika Mills Case.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** 'A' is alleged to be involved in a high profile scam. He is presumed to know about all the links of fraudulent transactions. During the police custody, 'A' is asked to go under polygraph and Brain Electrical Activation Profile tests to prove his innocent on the pretext of ordinary investigation procedure. Conclusions of the tests were used to prove A's involvement in many fraudulent transactions. A challenges testimony on the basis of violative of his fundamental rights under Article 20(3) and 21 of the Constitution. Discuss the validity of the action.
- Q.3** The Lieutenant Governor in the Union Territory of Jammu & Kashmir, promulgated an Ordinance, for the acquisition of the land. The same Ordinance passed into an Act. Further, the Parliament by passing an Amendment to the Constitution in January 2020, inserts the same under Ninth Schedule. Mr. Z is a resident from Srinagar challenges the Constitutional Amendment as violative of Basic Structure to the Constitution and Fundamental Rights guaranteed under Article 14, 19 and 21 of the Constitution. Discuss in light of Constitutional provisions and leading case laws.
- Q.4** Pursuant to huge protest by the Jat community in Haryana, Uttar Pradesh and Delhi; and Maratha community in Maharashtra, the Central Government notified to include both communities as other backward classes (OBCs). The notification is challenged as violative of Articles 15(4) and 16(4) of the Constitution. Discuss in light of constitutional provisions and case laws.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examination

Paper Code: LB-402

Subject: Law of Crimes-II (Code of Criminal Procedure)

B.A./B.B.A. LL.B. 4th Semester1st October, 2020

Time: 2hrs. 30minutes (Writing Examination- 10:30 am-12:30 pm; Scanning & Uploading Answer-sheets--
12:30 pm – 01:00 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) “If a criminal court is to be an effective instrument in dispensing justice, the presiding judge must cease to be a spectator and a mere recording machine by becoming a participant in the trial evincing intelligence, active interest and elicit all relevant materials necessary for reaching the correct conclusion, to find out the truth, and administer justice with fairness and impartiality both to the parties and to the community it serves.”

On the basis of above assertion scrutinize whether the role of the criminal court is really that of an umpire. Also discuss the principal features of fair trial with the help of case laws.

(B) “Personal liberty is a very precious fundamental right and it should be curtailed only when it becomes imperative according to the peculiar facts and circumstances of the case. The power of granting 'anticipatory bail' is somewhat extraordinary in character and it is only in exceptional cases where it appears that a person might be falsely implicated, or a frivolous case might be launched against him, or "there are reasonable grounds for holding that a person accused of an offence is not likely to abscond or otherwise misuse his liberty while on bail" that such power is to be exercised.”

On the basis of above statement analyze the provisions of the grant of anticipatory bail? Can anticipatory bail be allowed in murder case? Briefly explain with the help of case laws.

(C) “An appeal is a tool given to the parties of a case to ensure justice is served and all the parties are satisfied by the judgment. After hearing all the parties in a case, a competent court pronounces the judgment and if the parties are not satisfied with the judgment they have a right to appeal to a higher court. Such an appeal would give the aggravated party another opportunity to present their case to a higher authority or the Appellate Court who would judge the case with a fresh perspective and if there are any wrongdoings, that would be

corrected. When the verdict is unreasonable or not supported by evidence, or when there is miscarriage of justice on any grounds, then such a verdict can be appealed.”

What is the procedure to be followed while dealing with and disposing of an appeal?

What is difference between appeal and revision?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 A written report was submitted by the petitioner before the officer-in-charge of the police station but no action was taken by the so called officials. Hence the Superintendent of Police was approached for a FIR and then the police station Incharge registered it. However, no action was taken by the police authorities to recover the kidnapped minor daughter or to apprehend the accused.

A) On the basis of above facts decide with the help of case laws whether a police officer is bound under section 154 of the Code of Criminal Procedure, 1973 to register a FIR upon receiving any information relating to the commission of a cognizable offence or does the police officer has the power to conduct a preliminary inquiry in order to test the veracity of such information before registering the same?

B) Discuss the meaning, importance and Evidentiary value of FIR, and examine the procedure for recording the FIR.

Q.3 The appellant filed a complaint against the three respondents, who are her husband, father-in-law and mother-in law respectively, before the Chief Judicial Magistrate alleging commission of offences under Sections 498-A and 406 of the Indian Penal Code by them. On that complaint the learned Magistrate passed an order under Section 156(3) of the Code of Criminal Procedure directing the police to register a case and investigate the same. Pursuant to the said direction Police Officer registered a case and on completion of investigation submitted charge-sheet (police report) against the three respondents under Sections 498-A and 406 IPC. The learned Magistrate took cognizance of the said charge-sheet and thereafter framed charges against the three respondents. Against the framing of the charge the respondents moved the Sessions Judge in revision, but without success. While the above two cases were being tried, the respondents filed petitions under Section 482 of the Code before the High Court for quashing of their proceedings on the ground that the orders passed by the Chief Judicial Magistrates directing registration of cases in purported exercise of their power under Section 156(3) of the Code were patently wrong and consequently all actions taken pursuant thereto were illegal.

A) On the basis of above details explain with the help of case laws Whether magistrate has power to pass order for registration of FIR or a Magistrate can only direct investigation by the police but has no power to direct registration of a case?

B) If the police is indifferent in the investigation of any cognizable offence or shield the offender, what is the remedy available to the aggrieved person to get the case properly investigated in to, and tried?

Q.4 Mr. 'A' has committed four offences of embezzlement within a period of one year. Can he be tried for all offences at one trial?

A) Elucidate with the help of the rule that "for every distinct offence there should be a separate charge and each such charge should be tried separately" and briefly explain the exceptions to the above rule.

B) In criminal proceedings orders for an acquittal versus a discharge produce very different outcomes. On the basis of this statement discuss the difference between acquittal and discharge.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examination

Paper Code: LB-403

Subject: Administrative Law

B.A./B.B.A. LL.B. 4th Semester3rd October, 2020

Time: 3hrs. (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets--
12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) “The contemporary analysis of the rule of law cannot ignore the vast expansion of governmental functions which has occurred as a result of both of the growing complexities of modern life and of minimum postulates of social justice which are now of the established public philosophy in all civilized countries”. In the light of above made statement explain rule of law in reference to the expanded function government in welfare state.

(B) Are the following valid delegations:

- (i) Power to repeal an existing Act.
- (ii) Apply a new Act applicable in some other state;
- (iii) Power to levy taxes for the ‘Purposes of the Act’.

(C) The need of the State to have extraordinary powers cannot be doubted. But with the conceptual change of statutory power being statutory duty for (the) sake of society and the people, the claim of a common man or ordinary citizen cannot be thrown out, merely because it was done by an officer of the State; duty of its officials and right of the citizens are required to be reconciled, so that the rule of law in a Welfare State is not shaken”. In view of the statement describe the differences between sovereign and non-sovereign function of state.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** The appropriate government passed Forest Act. The Act conferred rule making power on the Forest department with a rider that the rules can only come into effect after positively passed by majority votes in the Assembly on laying. The department framed Forest Protection Rules which came into force with immediate effect. Rule 10 of the Forest Protection Rules provides one-month imprisonment against littering in the forest area. Mr. X was penalised for littering. He contended that the said rule is not valid as the department has not complied the required procedure after passing the rule, whereas the department contended that the said procedure was not mandatory rather directory. Decide the case with the help of legal principles.
- Q.3** The government through a statute exempted “any factory making sanitizer and masks in the opinion of the government, has substantially expanded during Covid-19 crisis” from tax. One of such factory owners applied for the said exemption, but his application was rejected by the government as they decided to give the exemption only to those factories which have been formed under cooperative sector. The aggrieved owner wants advice from you to file a case before court of law. Suggest him for his success with decided cases.
- Q.4** In pursuance of the statutory power, the Central Government issued a circular to rationalize the perquisites and allowances to the employees of the Central Secretariat. The effect of the circular was reduction of perquisites and allowances. The employee’s Union challenged this action of the Government before the Court of Law. The Government contended that it will hear the staff later on. Decide the case in the light of the Government’s plea that it will hear the staff later on with the help of legal principles of fairness and decided cases.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-404

Subject: Law, Poverty and Development

B.A./B.B.A. 4th Semester5th October, 2020

Time: 3hrs. (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets--
12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) “Absolute poverty is a situation where a population or a section of population is able to meet only its bare subsistence essentials of food, clothing and shelter in order to maintain minimum levels of living.” Do you agree with this? How will you differentiate absolute poverty from Relative Poverty?

(B) Section 125 of the Criminal Procedure Code, 1973 was enacted to provide an effective remedy for the neglected persons to seek maintenance. In 2007, the maintenance and welfare of Parents and Senior Citizens Act was passed which provides provisions for maintenance to support elderly parents and senior citizens. Can the parents claim maintenance under both the Acts simultaneously? Discuss.

(C) In covid-19 pandemic the unorganized workers have suffered a lot because of lack of formal employer-employee relationship and inadequate social security protection. Define and lay down the characteristics of unorganized labour?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 In recent years successive, Indian governments have sought to improve the performance of Anti-Poverty Programmes with greater responsibility for their monitoring and oversight. Keeping in mind this statement critically evaluates the main anti-poverty programmes in India.

Q.3 In India various efforts were made by enacting legislations for the protection of the rights and welfare of the Scheduled Castes. However, in the case of Dr. Subash Kashinath Mahajan v. State of Maharashtra and AIR 2018 SC 1498 the Supreme Court held that the provisions of Scheduled Caste and Scheduled Tribes Atrocities Act, 1989 are being misused. A Review Petition dated 02.04.2018, was filed by the Union of India in the Hon'ble Court praying the apex court for recalling and to review its order laid down in the above case. Discuss the Supreme Court verdict of Dr Subash Kashinath Case and its aftermath in relation to Scheduled Caste and Scheduled Tribes Atrocities Act, 1989.

Q.4 Sexual harassment especially at workplaces is one of the most common problem that every society be it western or Indian is facing today. In India Vishaka's guidelines relating to sexual harassment of women in a workplace is an evidence that how women are being exploited in workplaces as well and it gives an indication of the protection of the rights of women at workplace.

Specify to whom these guidelines are applicable. Also discuss the law which addresses the Sexual harassment of women at workplace.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-405

Subject: Fiscal Responsibility and Management

B.A./B.B.A. LL.B. 4th Semester7th October, 2020

Time: 3hrs. (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets–
12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) Classify the following statements as revenue receipts or capital receipts. Give valid reasons in support of your answer.

(a) Financial help from a multinational corporation for victims in a flood affected area.

(b) Sale of shares of a Public Sector Undertaking (PSU) to a private company.

(c) Dividends paid to the Government by the State Bank of India.

(d) Borrowings from International Monetary Fund (IMF).

(B) Government is addressing the pandemic of Covid-19 crises by means of a substantial fiscal expansion. Even if the crisis is temporary, this will likely result in considerable increases in debt to GDP ratios.

In your view, will this entail restrictive policies in the medium term? And will interest rates stay very low even in the long run?

(C) “All fiscal aggregates should be reported on a gross basis, so that the full value of transactions, assets, and liabilities can be seen, as well as on a net basis, so that any deductions or offsets are also in the public domain”. Comment.

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** A full understanding of the budget planning and preparation system is essential, not just to derive expenditure projections but to be able to advise policymakers on the feasibility and desirability of specific budget proposals, from a macroeconomic or microeconomic perspective. It is much easier to control government expenditures at the "upstream" point of budget preparation than later during the execution of the budget".

Thus, as a general budget advisor, make your suggestions and recommendations.

1. What is the framework in which budget decisions should be made?
2. How can changes in budget plans be programmed and targeted?

- Q.3** "There are dark clouds over every economy in the world, and India is no exception. We do need a large fiscal stimulus. India has the FRBM Act, 2003, for fiscal management and to make sure that government does not overspend. But the FRBM is a sophisticated piece of legislation that recognizes that, during times of natural calamity; we should be allowed to run up larger deficit" Elucidate the statement.

- Q.4** Given the following data, estimate the values of:

(i) Revenue deficit, and

(ii) Fiscal deficit:

Particulars	Amount (Crores)
Income from Income Tax	2000
Income from Sale of Tickets	250
Net Borrowings by Government	780
Disinvestment Proceeds	50
Revenue Expenditure	1500
Capital Expenditure	280



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: LB-406E

Subject: Economics-IV (Indian Economy)

B.A./B.B.A. LL.B. 4th Semester9th October, 2020

Time: 3hrs. (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets–
12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) Was it necessary for India to introduce economic reforms at the behest of World Bank and International Monetary Fund? Was there no alternative for the government to solve the balance of payments crisis? Discuss.

(B) It has been argued by some economists that small scale industries are hampered in their growth by imperfections in factor market. Therefore, special support policies are needed for some scale in enterprises. Explain Pradhan Mantri Mudra Yojna in light of the above statement.

(C) Observe around you — you will find State Electricity Boards (SEBs), BSES and many public and private organizations supplying electricity in a city and states. There are private buses on roads alongside the government bus services and so on. What do you think about this dual system of the co-existence of public and private sectors?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 What were the various forms of revenue settlement adopted by the British in India? Where did they implement them and to what effect? How far do you think those settlements have a bearing on the current agricultural scenario in India?

- Q.3** The Small-scale industrial sector is the vital constituent of India's industrial sector. It contributes significantly to India's GDP and export earnings besides meeting the social objectives including that of providing employment opportunities to the millions of people across the country. Explain the role, performance and problems of small-scale industries in India in light of above statement.
- Q.4** Public sector in India has been criticized vehemently by a number of supporters of the private sector who have chosen to shut their eyes towards the achievements of the public sector. Provide detailed description which is sufficient to convince one that public sector has played the definite positive role in Indian economy along with the performance and suggestions to improve this sector.



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: BL-406P

Subject: Political Science-IV (Public Policy and Public Administration)

B.A. LL.B. 4th Semester9th October, 2020

Time: 3hrs. (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets-
12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

(A) There is an ongoing debate on public and private dimensions of Public Administration. Do you think that civil services in India should recruit officers from all walks of life who need not have cleared specific examinations?

(B) What according to you is the meeting point between scientific and the human relations approach to management? How can an organization bring two streams of thought together for its benefit?

(C) *“Public policy-making in India has frequently been characterized by a failure to anticipate needs, impacts, or reactions which could have reasonably been foreseen, thus impeding economic development. Policies have been reversed or changed more frequently than warranted by exogenous changes or new information”* - Comment

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

Q.2 *“In the modern state, the role and scope of public administration is ever expanding and all encompassing. We are way past the laissez-faire state which was responsible for maintaining law and order only. The modern state which expects government to provide much more has seen the role of public administration change dramatically, since those times”* Keeping this idea in view, write an essay detailing the advances made in Public Administration in developing societies.

Q.3 *“One of the essential functions of government is policy-formation. In the words of Appleby, the essence of public administration is policy making. Without policy, government and administration are rudderless. Policy is prior to every action. It is pre-requisite to all management. It is the policy which sets the task for administration. It provides the framework within which all actions for the accomplishment of an objective are to be activated. Policy is in fact planning for action; it is getting ready for setting the sails to reach the desired destination”*- While emphasising on the significance of public policy, write an essay describing the role played by the Legislature, Executive and Judiciary in the formulation, implementation and evaluation of Public Policy in the Indian context.

Q.4 *“In India, the Panchayati Raj now functions as a system of governance in which gram panchayats are the basic units of local administration. The system has three levels: Gram Panchayat (village level), Mandal Parishad or Block Samiti or Panchayat Samiti (block level), and Zila Parishad (district level)”*-

What do you understand by grassroots governance in India? Discuss the drawbacks of Panchayati Raj. What measures do you suggest for remedying these defects?



HIMACHAL PRADESH NATIONAL LAW UNIVERSITY SHIMLA

End-Term Examinations

Paper Code: BL-406S

Subject: Sociology-IV (Sociology of Religion)

B.A. LL.B. 4th Semester9th October, 2020

Time: 3hrs. (Writing Examination- 10:30 am -12:30 pm; Scanning & Uploading Answer-sheets–
12:30 pm – 01:30 pm)

Maximum Marks: 50

Instructions:

The Question Paper has two Sections. Attempt any two questions from Section-A. Each question in Section-A carries five marks. Attempt any two questions from Section-B. Each question in Section-B carries twenty marks.

SECTION-A (Short-Answer Type)**(2x5=10 Marks)****Q.1 Short Answer Type Questions:**

- (A) How are the Sociological and Psychological approaches to studying religion different from each other?
- (B) What are the consequences of the institutionalization of religion?
- (C) What kinds of dissatisfaction have feminist theorists expressed vis-à-vis religious authority and religious scriptural sources?

SECTION-B (Long-Answer/Descriptive/Analytical Type) (2x20=40 Marks)

- Q.2** *“The German philosopher Marx actually said very little about religion directly; in all of his writings, he hardly ever addresses religion in a systematic fashion, even though he touches on it frequently in books, speeches, and pamphlets. The reason is that his critique of religion forms simply one piece of his overall theory of society—thus, understanding his critique of religion requires some understanding of his critique of society in general”- Write a detailed essay commenting on this observation. Also mention the salient differences between Emile Durkheim’s and Karl Marx’s views on religion.*
- Q.3** Anthropologist Talal Asad claims that Geertz provided “the most influential, certainly the most accomplished, anthropological definition of religion to have appeared in the

last two decades”. According to Geertz, religion may be defined as “*a system of symbols which acts to establish powerful, pervasive, and long-lasting moods and motivations in men by formulating conceptions of a general order of existence and clothing these conceptions with such an aura of factuality that the moods and motivations seem uniquely realistic*” What are your views on such a macroscopic definition of religion? Is there a school of thought that would be critical of such a take on religion? In the light of that answer, provide some nuanced perspectives to understand the growing number of God-men and event of public religiosity in contemporary India.

- Q.4** Write an essay discussing the impacts of globalization on religious institutions and ritualistic practices. How have forms of religious authority changed over the last few decades? Taking an example of the world wide web, discuss the novel forms of worship and congregation in religious institutions and pilgrimage centers.